

CV
5/1/01

1 : CV 01-0756

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA
FILED
SCRANTON SYDNEY BRADSHAW - PETITIONER

APR 30 2001

v

PER JM THE UNITED STATES IMMIGRATION AND
DEPUTY CLERK NATIONALIZATION SERVICE

2241 HABEAS CORPUS

Reid
FILED
HARRISBURG, PA

APR 04 2001

MARY E. D'ANDREA, CLERK
Mary E. D'Andrea
Deputy Clerk

BY:

SYDNEY BRADSHAW
YORK COUNTY PRISON
3400 CONCORD ROAD
YORK 17402

5 COPIES
TO EACH
PARTY

UNITED STATES DISTRICT COURT

FOR THE

MIDDLE DISTRICT OF PENNSYLVANIA WILLIAM J. NELSON
BLDG/235 NORTH WASHINGTON AVENUE - ROOM 423
P.O. BOX 1148 - SCRANTON, PA. 1850 - 1148

SYDNEY BRADSHAW

V

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8. U.S.C. 2241

THE IMMIGRATION AND NATURALIZATION SERVICE

CHARLES W. ZEMSKI ACTING DISTRICT DIRECTOR OF PA.

RESPONDENT/DEFENDANT

2241 PETITION FOR WRIT OF HABEAS - CORPUS AND PETITION
DECLATORY INJUNCTIVE FOR RELIEF AND STAY OF REMOVAL.

PETITIONER ASK THIS MOST HONORABLE COURT FOR PERMISSION TO PROCEED INFORMA PAUPERIS & IN SUPPORT OF PETITIONER'S STATE OF INPROVERISHMENT, PETITIONER SUBMITS THE ATTACHED AFFIDAVIT OF ZERO DOLLARS AND NO CENTS (SEE ENCLOSED ACCOUNT PRINT FROM PRISON'S ACCOUNT.)

JURISDICTION

THIS ACTION VARIES UNDER THE U.S. CONSTITUTION (ALSO THE VIENNA CONVENTION). THE I.N.S. ACT (I.N.A.) AMENDED U.S.C SEC 1101 et. al; I.N.A. CHILD ACT SIGNED NOVEMBER 1, 2000, BY PRESIDENT CLINTON, (WILL BECOME LAW IN 120 DAYS) - I.N.A. 329-328, 321-22 8 U.S.C. 1431-1440.

THIS COURT MAY ALSO EXERCISE JURISDICTION PURS TO 28 U.S.C. SECT 1350 - 1361. (MANAMUST JURIDICTION). 28 U.S.C. SECTION 1331, AND MAY GRANT SAID FREGOING RELIEF PURSUANT TO DECLARATION. JUDGEMENT ACT 28. U.S.C. SECTION 2201 et. SEQ AND FULE 121 WRIT, ACT SEC 1651.

VENUE

VENUE LIES IN THE U.S. DISTRICT COURT OF THE MIDDLE DISTRICT OF PENNSYLVANIA. THE JUDICIAL DISTRICT OF DEPORTATION ORDER

AGAINST PETITIONER WAS ENTERED AND LOCATION OF THE RESPONDENT, I.N.S. DISTRICT DIRECTOR, WHO MAY ENFORCE THE FINAL ORDER OF DEPORTATION 28.U.S.C SEC 2241 et. al; AND SEC 1391/

PARTIES

THE PETITIONER IS A CITIZEN OF GUYANA AND U.S.A. AND ENTERED THE U.S. SWXWMVWE 1965 AT THE TENDER AGE OF ELEVEN YEARS OLD AS A LOWFUL PERMANANT RESIDENT (GREEN CARD HOLDER), AND HAS ACCUMULATE WELL OVER THIRY-FIVE YEARS OF LEGAL RESIDENCE IN THE U.S. AND HAS NEVER LEFT U.S. SOIL. PETITIONER HAS ALSO BEEN HONORABLY DISCHARGED VETERAN FROM U.S.M.C. VIETNAM ERA, DISCHARGED IN 1973.

THE PETITIONER (SYDNEY BRADSHAW) ACTING PRO-SE, HEREBY RESPECTFULLY PETITIONS THIS MOST HONORABLE COURT FOR A WRIT OF HABEAS CORPUS, TO REVIEW THE LAWFULNES OF HIS FINAL ADJUDICATED ORDER OF REMOVAL BY TH EB.I.AS. I AM NOW PETITIONIG THE COURT AND SEEK AN ORDER FOR MY RELEASE FROM I.N.S. CUSTODY PETITIONNERRIS ALSO SEEKING TO HAVE THIS MOST HONORABLE COURT STAY HIS FINAL ORDER OF REMOVAL WHICH IS BROUGHT ABOUT BY A SET OF UNCONSTITUTIONAL LAWS INACTED BY A DEMOCRATIC GOVERNMENT AND CONGRESS OF THE UNITED STATES OF AMERICA - THE LAND OF THE FREE!!!!

FACTS

SYDNEY BRADSHW (PETITIONER) D.O.B. - 04/15/53 WAS BORN IN THE BRITISH COLONY OF BRITISH GUYANA S.A. - ENTERED THE U.S.A. ON 12/20/65, AT THE TENDER AGE OF ELEVEN YEARS OLD AND ONLY LEFT THE U.S. SOIL TO ATTEND THE WORD'S FAIR IN CANADA FOR A WEEK.

1. BOTH OR PETITIONER'S PARENTS ARE NATURALIZED U.S. CITIZEN-S. PETITIONER'S MOTHER NATURALIZED IN 1969. THIS NATURALIZATION OF PETITIONER'S MOTHER TOOK PLACE AT THE TIME WHEN THE PETITIONER WAS ONLY SIXTEEN YEARS OF AGE THUS, ENTITLES THE PETITIONER TO AUTOMATIC U.S. CITIZENSHIP, UNDER THE CHILD ACT RESENTLY SIGNED BY THE FORMER PRESIDENT OF THE U.S. BILL J. CLINTON. (PETITIONER WAS UNDER THE AGE OF 18 YEARS OLD).

3. PETITIONER WAS ISSUED A FUNAL ORDER OF REMOVAL AUGUST 13 1999 (SEE ENCLOSED ORDER). PETITIONER AT THIS TIME IS ASKING THIS COURT TO AFFIRM HIS U.S. CITIZENSHIP BY ONE OF PETITIONER'S PARENT(MOTHER) NATURALIZING WHILE PETITIONER WAS UNDER THE AGE OF 18 YEARS OLD. PETITIONER WAAS IN THE CUSTODY OF BOTH PARENTS AND ALSO, PETITIONER WAS IN THE CUSTODY OF HIS CITIZEN GRAND MOTHER (FRANCES STIENBERGEN) AT THE SAME TIME. (A NATURALIZED CITIZEN).

4. PETITIONER IN 1974 APPLIED FOR U.S. CITIZENSHIP IN BROOKLYN N.Y. 250 ADAMS STREET. AT SUCH TIME PETITIONER WAS ADVISED HE HAD DERIVATIVE CITIZENSHIP AND ALSO DID NOT NEED TO TAKE THE OATH FOR HE SWORE ALLEGENCE WHEN HE ENLISTED IN THE U.S.M.C.

ARGUMENT

1. SINCE THE CHILD ACT IS GOING TO BECOME LAW IN 120 DAYS FROM NOVEMBER 1.2000, ID IY VOTTRVY SNF HUMSNR YO KRRP PRYIYIONRT IN CRIMINAL CONFINMENT? FOR PETITIONER ALSO HAS VARIOUS MEDICAL MALADIES THAT ARE NOT BEING ATTENDED TO AT THIS TIME PROPERLY.

2. PETITIONER'S MOTHER BACK IN 19674 WHEN SPONSORING PETITIONER SIGNED A DIFFERENT CONTRACTUAL AGREEMENT WITH I.N.S. AS FAR AS THE STIPULATIONS ABOUT CONVICTIONS AND REMOVAL FROM THE U.S. SOIL AND THEREFORE THESEES NEW SET OF I.N.A. LAWS ENACTED BY THE U.S. CONGRESS IN 1996, SHOULD HAVE ANY BEARING UPON PETITIONER'S STATUS MAKING HIM REMOVABLE DUE TO HIS CONVICTION FOR THE CHARGE OF AGGRAVATE ASSAULT, (ENSPITE OF HIS INNOCENCE).

C O N C L U S I O N

ALL LAW ENFORCEMENT OFFICERS IN THE U.S. AND ALL GOVERNMENT PEACE OFFICERS ARE OBLIGED TO INFORM ALIENS AFTER PLACING THEM IN CUSTODY, THAT THEY MAY CONTACT THEIR COUSULATE FOR ASSISTANCE IN FIGHTING THEIR LEGAL CASE ETC. PLAINTIFF WAS DEPERIVED OF SUCH ADVISEMENT BY BOTH BURLINGTON POLICE DEPARTMENT AT HIS INITIAL ARREST IN VERMONT AND ALSO THE I.N.S OFFICAL THAT PLACED PLAINTIFF IN I.N.S. CUSTODY.

WHEREFORE, PETITIONER RESPECTFULLY PRAYS THIS MOST HONORABLE COURT TO END PETITIONER'S INCARCERATION AND....

- A. ASSUME JURISDICTION OVER THIS MATTER (REMOVAL)
- B. ISSUE A STAY OF DEPORTATION FORTHWITH - PENDING THE RESOLUTION OF PETITIONER'S DERAVITION CITIZENSHIP CASE.
- C. TO GRANT PETITIONER RELIEF IN ON OF THE FOLLOWING FORMS OF RELIEF, CANCELLATION OF REMOVAL, HUMANITARIAN RELIEF, SUPERVISED RELEASE, OR PERSONAL COGNIZANCE OR WITHHOLDING OR GRANT AT THE COURT'S DISCRETION ANY FURTHER RELIEF.

PETITIONER THANKS THIS MOST HONORABLE IN ADVANCE FOR TAKING THE TIME TO CONSIDER PETITIONER'S HABEAS CORPUS AND DERIVATIVE AND AUTOMATIC CITIZENSHIP UNDER THE CHILD ACT.

A13-914-980

RESPECTFULLY

Sydney Bradshaw
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